IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

CHESLIE NITSCHKE and CYNTHIA	§	
GEORGE,	§	
	§	Civil Action No.: 3:23-cv-00836
Plaintiffs,	§	
	§	Judge Aleta A. Trauger
V.	§	
	§	JURY DEMAND
KJPL RIVERWOOD, LLC; JPL	§	
DEVELOPMENT, LLC; AND BACAR	§	
CONSTRUCTORS, INC.,	§	
	§	
Defendants.	§	

<u>DEFENDANT BACAR CONSTRUCTORS, INC.'S RESPONSE TO</u> <u>PLAINTIFFS' MOTION FOR EXTENSION</u>

Defendant, Bacar Constructors, Inc. (hereinafter "Bacar" or "Defendant"), by and through counsel, hereby files this response to Plaintiffs' Motion for Extension of Time to Respond to Discovery Requests [Doc. 54]. In support of this motion, Defendant states as follows:

As an initial matter, Plaintiff's counsel reached out to Bacar's counsel on Friday, June 28, 2024. Counsel for Bacar did indeed respond on Monday, July 1, 2024. Bacar's response entailed sending Plaintiffs' counsel a proposed second amendment to the operative Case Management Order, and asking if the draft extensions would be agreeable, so that the originally requested thirty day extension would not prejudice Bacar.

In light of Plaintiffs' motion for an extension, Bacar has filed a Motion to Amend the Case Management Order [Doc. 55] to extend the fact discovery deadline and any other deadlines that are necessarily affected. Since the filing of the operative Case Management Order [Doc. 44], Plaintiff's counsel has amended the Complaint to add a party [Doc. 48], and filed a motion for an extension on discovery responses [Doc. 54]. The additional party to this lawsuit necessarily

expanded the scope of discovery, and the parties are clearly in need of more time for fact discovery on both sides. Even granting Plaintiffs' request for a fourteen-day extension leaves Bacar with receiving Plaintiffs' responses only three days prior to the expiration of fact discovery. Yet, most crucially, Bacar also requires additional time for discovery due to the addition of a Plaintiff to this lawsuit. Bacar would respectfully ask this Court to grant its Motion to Amend the Court's Case Management Order [Doc. 55], so that an extension does not prejudice any parties, and discovery can continue as needed by both sides.

WHEREFORE, Bacar respectfully requests that the Court grant its motion [Doc. 55] to amend the deadlines set in the Court's Amended Case Management Order of January 18, 2024 [Doc. 44], vacate the deadlines set therein, and adopt the Proposed Second Amended Case Management Order filed contemporaneously with Bacar's Motion to Amend the Case Management Order [Doc. 55]. Bacar further requests any other relief that the Court may deem appropriate.

Dated this 2nd Day of July 2024.

Respectfully submitted,

/s/ Joseph A. Tisone

Gregory L. Cashion (BPR No. 10697)
Joseph A. Tisone (BPR No. 41169)
SMITH CASHION & ORR, PLC
3100 West End Avenue
Suite 800 – One American Center
Nashville, TN 37203
(615) 742-8555 – Tel
gcashion@smithcashion.com
jtisone@smithcashion.com
Attorneys for Defendant
BACAR Constructors, Inc.

CERTIFICATE OF SERVICE

I do hereby certify that notice has been provided via the Court's electronic filing system to counsel of record including the following:

Eric G. Calhoun Calhoun & Associates 1595 N. Central Expressway Richardson, TX 75080 eric@ecalhounlaw.com Attorney for Plaintiffs M. Todd Sandahl Attorney at Law 234 First Avenue South Franklin, TN 37064 tsandahl@mtslaw.com Attorney for Plaintiffs

Jason K. Murrie
Rebecca M. Demaree
Victoria L. Rohloff
Cornelius & Collins, LLP
211 Athens Way, Suite 200
Nashville, TN 37228
jkmurrie@cclawtn.com
rwdemaree@cclawtn.com
vlrohloff@cclawtn.com
Attorneys for JPL Development, LLC

Jennifer S. Rusie
Jackson Lewis, P.C.
611 Commerce Street, Suite 2803
Nashville, TN 37203
Jennifer.rusie@jacksonlewis.com
Attorney for Defendant KJPL Riverwood, LLC

/s/ Joseph A. Tisone